

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF ALABAMA  
NORTHERN DIVISION

CHARLES KESLER,	)	
	)	
Plaintiff,	)	
	)	
vs.	)	Civil Action No.: 2:06-CV-818
	)	
ALCAZAR SHRINERS, et al.,	)	
	)	
Defendants.	)	
	)	

**DEFENDANT'S MOTION TO DISMISS**

COME NOW the defendants, as designated in the plaintiff's Complaint, Alcazar Shriners, Shriners of North America and Lee Sims, separately and severally, by and through their undersigned counsel of record, and, pursuant to Rule 12(b)(6) and Rule 12(b)(1), Federal Rules of Civil Procedure, move this Honorable Court to dismiss the federal claims alleged against them in this action, and as grounds for said motion, would aver the following, separately and severally:

1. The Complaint fails to state a claim upon which relief may be granted as to these defendants, separately and severally.
2. The plaintiff lacks standing to bring claims pursuant to 42 USC §1981 and 42 USC §2000a.
3. The Court lacks subject matter jurisdiction pursuant to Rule 12(b)(1), Federal Rules of Civil Procedure.
4. The plaintiff lacks standing because there is no case or controversy as required by Article III of the United States Constitution.
5. The plaintiff has no standing to seek injunctive relief.

Respectfully submitted this the 12<sup>th</sup> day of October, 2006.

s/N. Gunter Guy, Jr.  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the 12<sup>th</sup> day of October, 2006, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Jay Lewis  
Law Offices of Jay Lewis, LLC  
P.O. Box 5059  
Montgomery, AL 36103

s/N. Gunter Guy, Jr.  
OF COUNSEL